

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)	
INFORMATION FILED WITH SOUTH CENTRAL)	
BELL TELEPHONE COMPANY'S PROPOSED)	CASE NO. 95-017
CONTRACT WITH WGBF FOR INTEGRATED)	
SERVICES DIGITAL NETWORK - INDIVIDUAL)	
BUSINESS SERVICE)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc., d/b/a South Central Bell Telephone Company ("South Central Bell"), filed January 13, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data developed in connection with South Central Bell's proposed contract with WGBF-FM¹ in Henderson for Integrated Services Digital Network - Individual Business Service ("ISDN-IBS") on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury and it appearing to this Commission as follows:

South Central Bell has contracted with WGBF-FM in Henderson to provide ISDN-IBS. Although that service is currently tariffed, the tariffed service is restricted to appropriate outside plant facilities. Providing service to WGBF-FM's location requires the placement of a repeater in the outside plant facility.

¹ WGBF-FM is a radio station owned by Aiken Communications Corporation.

The information sought to be protected is not known outside South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to preserve and protect the confidentiality of the information through all appropriate means, including the maintenance of appropriate security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

ISDN-IBS service allows business customers to transmit voice and data over ISDN channels through the exchange network. This service is an alternative to other local exchange service offerings, private line/data services and dedicated private line networks. South Central Bell's competitors for local exchange

service are cellular carriers who may also provide cellular data service and will soon include providers of Personal Communication services, cable TV providers, and alternate access providers. South Central Bell's competitors for private line/data services and networks are interexchange carriers, resellers, and vendors of microwave, digital radio, fiber, VSAT, and other wireless equipment and service. Such competitors could use the cost support data developed by South Central Bell to determine South Central Bell's cost and contribution from the service. This information would be useful to competitors in marketing their competitive service to the detriment of South Central Bell. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost support data developed by South Central Bell in connection with its contract with WGBF-FM in Henderson, which South Central Bell has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 24th day of February, 1995.

ATTEST:

Don Mills
Executive Director

PUBLIC SERVICE COMMISSION

Ben E. Dink
Chairman

Robert M. Davis
Vice Chairman

Linda K. Bullock
Commissioner